

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 12, 1999**

## DIVISION ONE

B121362 People (Not for Publication)  
v.  
Ballard

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

## DIVISION TWO

B118901      People                                  (Not for Publication)  
v.  
Eric Camarena

The judgment is modified to reflect 535 days of presentence custody credit, comprising 466 days of actual custody credit and 69 days of presentence conduct credit. As so modified, the judgment is affirmed. The superior court shall provide the Department of Corrections a corrected abstract of the judgment.

Fukuto, J.

We concur:   Boren, P.J.  
                      Zebrowski, J.

## DIVISION TWO (Continued)

B112664 People (Not for Publication)  
v.  
Oscar R. Cardenas and Salvador Nieto

Nieto's judgment of conviction is reversed as to count 5 and the cause is remanded with directions to the trial court to hold further proceedings consistent with the views expressed in this opinion. In all other respects, his judgment is affirmed. Cardena's judgment is affirmed.

Fukuto, J.

We concur:   Boren, P.J.  
                      Nott, J.

B113801      People                                  (Not for Publication)  
v.  
Pride Eldridge et al.

### The Court:

As to Eldridge, the judgment is modified to stay the sentences on count 2, robbery, and count 4, burglary, pursuant to section 654, and to strike the four-month enhancement in count 3 imposed under section 12022, subdivision (a)(1). As to Colley and Lowe, each judgment is modified to reflect that the concurrent sentence on count 3, robbery, is the middle term of three years with a one-year enhancement under section 12022, subdivision (a)(1), and that the concurrent sentence on count 5, robbery, is the middle term of three years with a one-year enhancement under section 12022, subdivision (a)(1). As to each of the three appellants, the judgment is modified to reflect a \$200 fine pursuant to section 1202.45, which fine shall be suspended unless the defendant's parole is revoked. A corrected abstract of judgment shall be prepared for each appellant reflecting these modifications, and further reflecting that, as to Colley and Lowe, each was convicted in count 4 of second degree burglary. In all other respects, the judgments are affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

## January 12, 1999-Continued

## DIVISION TWO (Continued)

B119438      People      (Not for Publication)  
v.  
Albert Abilez Vieyra

The Court:

The conviction of grand theft of a vehicle in count 6 is reversed and that count is dismissed. The 16-month sentence for grand theft of a vehicle is stricken, and the 32-month term for burglary in count 5 is stayed pursuant to section 654. In all other respects, the judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B117301      Ted Stimpfel                      (Not for Publication)  
v.  
Fenster & Gelber et al.

The judgment is reversed. Plaintiff shall recover costs.

Fukuto, Acting P.J.

We concur: Nott, J.  
Zebrowski, J.

DIVISION FOUR

B117293 People (Certified for Publication)  
v.  
Oskins

The judgment is reversed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

## DIVISION FIVE

B109569      Ralph Comas et al.  
v.  
Ashland Chemical Company et al.

Filed order denying petition for rehearing.

## DIVISION SIX

B116693      People                                  (Certified for Publication)  
v.  
Pelayo et al.

The matters are remanded to the trial court for resentencing. In all other respects, the judgments are affirmed.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.

B120414      Spaziano      (Certified for Publication)  
v.  
Lucky Stores, Inc.

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Yegan, Acting P.J.  
Stone, J. (Assigned)

## January 12, 1999-Continued

## DIVISION SIX (Continued)

B123734 People (Not for Publication)  
v.  
Araujo

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

B121875 People v. Henry (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

B115491      Joyce  
v.  
Simi Valley Unified School District

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

### January 12, 1999-Continued

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

B116607 People (Not for Publication)  
v.  
Moses

Appellant's conviction is affirmed. The sentence is reversed and the cause is remanded for the trial court to determine whether, in committing his prior battery with serious bodily injury, appellant personally inflicted injury on a person other than an accomplice, it should reinstate the sentence; otherwise, the trial court should resentence appellant. The trial court is also directed to issue an amended abstract that includes all fines imposed.

Neal, J.

We concur:   Lillie, P.J.  
                      Woods, J.

B119298      Berrington      (Not for Publication)  
v.  
Specialty Restaurants Corporation

The appeal is dismissed. Respondent to recover costs on appeal.

Woods, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

## January 12, 1999-Continued

## DIVISION SEVEN (Continued)

B105505 Brown (Not for Publication)

V.

Contract Cleaning Company, et al.

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

B122470      Los Angeles County, D.C.S.      (Not for Publication)

V.

Carla R.

The orders are affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

B115419      Geri, et al.      (Not for Publication)

V.

City of Hawthorne

The judgment is affirmed. Respondents are awarded costs on appeal.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B104377 Hall and Paull

V.

## Kettering

Filed order denying petition for rehearing. J. Woods would grant petition.